

**Webster Zoning Board of Appeals
Meeting Minutes – September 21, 2021**

A meeting of the Webster Zoning Board of Appeals was held on September 21, 2021 in the Board of Selectmen Meeting Room of Webster Town Hall, 350 Main Street, Webster, MA.

Present: Chairman Jason Piader, Vice Chairman Dan Cournoyer, Clerk Chris Daggett, and Member Mark Mason.

Also Present: Ann Morgan, Director of Planning & Economic Development

1. Call to Order: Chairman Piader called the meeting to order at 6:11 p.m.

2. Action Items

- a. Approval of Meeting Minutes of September 7, 2021 - tabled.
- b. Draft Decision - Special Permit Application - Expansion of pre-existing, non-conforming rear yard setback to construct a new garage at 35 Hall Road; Cheryl Kozub (Applicant / Owner); Assessor ID 50-A-72-9. Property is located within the Lake Residential (LR) and Lake Watershed Protection (LWP) zoning districts.

Ms. Morgan provided an overview of the draft decision and draft conditions should the Board vote to grant the special permit. Condition C1 specifically outlines what the Board would be approving which is a 16' x 24' garage which is not to encroach any further than 5 feet into the rear yard setback. All other draft conditions are based on standard requirements such as the period of validity (3 years) and filing requirements with the Worcester District Registry of Deeds. The Board reviewed the draft decision voting as follows:

Motion to approve findings F1 through F8, Findings of Fact, as drafted made by Mr. Cournoyer, seconded by Mr. Mason. Mr. Piader asked if there was any discussion on the motion. There was none. Motion passed unanimously 4-0 by roll call vote (Mr. Daggett – AYE; Mr. Mason – AYE; Mr. Cournoyer – AYE; Mr. Piader – AYE).

Motion to approve findings F9 through F21, Specific Findings, as drafted made by Mr. Cournoyer, seconded by Mr. Mason. Mr. Piader asked if there was any discussion on the motion. There was none. Motion passed unanimously 4-0 by roll call vote (Mr. Daggett – AYE; Mr. Mason – AYE; Mr. Cournoyer – AYE; Mr. Piader – AYE).

Motion to **GRANT the SPECIAL PERMIT with CONDITIONS** based on information received throughout the public hearing the FINDINGS stated herein made by Mr. Cournoyer, seconded by Mr. Daggett. Mr. Piader asked if there was any discussion on the motion. There was none. Motion passed unanimously 4-0 by roll call vote (Mr. Daggett – AYE; Mr. Mason – AYE; Mr. Cournoyer – AYE; Mr. Piader – AYE).

Motion to direct Ann V. Morgan, Director of Planning and Economic Development, to sign the Decision on behalf of the Board made by Mr. Cournoyer, seconded by Mr. Daggett. Motion passed unanimously 4-0 by roll call vote (Mr. Mason - AYE; Mr. Cournoyer - AYE; Mr. Fales - AYE; Mr. Piader - AYE)

3. Discussion Items

a. Town Meeting Warrant Articles - Webster Zoning By-law

- i. Article 7: Section 650-21: District 7, Lake Residential - Ms. Morgan provided an overview of warrant article which involves clarifying language specific to calculating setback requirements and structure in the Lake Residential District Regulations language. She noted that each district has language regarding the building setback lines. This language can force assessment of the average building setbacks within 300 feet of the property in question. If the average setback is different then what is stated on the Table of Dimensional Regulations, then the average within 300 feet is used. This is based on the arithmetic mean setback. The intent is to measure the structure closest to the front lot line. It should be measured to the front lot line on the Town right of way, not to the road.

Mr. Piader asked if there Board had any additional questions. There were none.

Motion to recommend to Town Meeting passage of amendments to Article 7: Section 650-21 as printed in the Warrant made by Mr. Mason, seconded by Mr. Cournoyer. Motion passed unanimously 4-0 by roll call vote (Mr. Daggett - AYE; Mr. Mason - AYE; Mr. Cournoyer - AYE; Mr. Piader - AYE).

ii. Article 8: Section 650-32: Frontage

Ms. Morgan reviewed the Warrant Article noting that this is section of the bylaw is specific to Residential districts. As written, the By-law penalizes those with mixed uses on site and specifically in the business districts. The revised language will clarify that this rule is specific to structures in residential zones only. She noted that Town Counsel reviewed the article and finds it reasonable.

Mr. Piader asked if there Board had any additional questions. There were none.

Motion to recommend to Town Meeting passage of amendments to Article 8: Section 650-32 as printed in the Warrant made by Mr. Cournoyer, seconded by Mr. Mason. Motion passed unanimously 4-0 by roll call vote (Mr. Daggett - AYE; Mr. Mason - AYE; Mr. Cournoyer - AYE; Mr. Piader - AYE).

iii. Article 9: Section 650, Attachment 2 - Table of Dimensional Regulations

Ms. Morgan noted that the purpose of this article is to clarify the Table of Dimensional Requirements. Residents should always refer to the district regulations and not just the Table. This is a blanket statement that applies to all districts. The strikethrough refers to the notation at the bottom of the table and should read 50 feet, not 100 feet which was a typographical error when the Table was approved by Town Meeting in 2014. Town counsel reviewed the article and finds it to be reasonable.

Mr. Piader asked if there Board had any additional questions. There were none.

Motion to recommend to Town Meeting passage of amendments to the Table of Dimensional Regulations as printed in the Warrant made by Mr. Cournoyer, seconded by Mr. Daggett. Motion passed unanimously 4-0 by roll call vote (Mr. Daggett - AYE; Mr. Mason - AYE; Mr. Cournoyer - AYE; Mr. Piader - AYE).

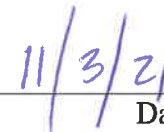
- b. Meeting Schedule - the Board discussed having a set meeting schedule. Mr. Piader suggested that the Board meet the first Tuesday of each month. Ms. Morgan noted that setting a schedule would also include application submission deadlines which is helpful to applicants. The Board can add meetings as needed or cancel meetings if there is not business. The Board agreed that a schedule would be helpful and directed Ms. Morgan to put together a list of draft dates through the end of 2022 to be reviewed and voted upon at the next meeting.

4. **Next Meeting Date:** The Board agreed to meet next on Wednesday, September 29, 2021 at 6:00 p.m. at Webster Town Hall.

5. **Adjournment**

Motion to adjourn the meeting made by Mr. Cournoyer, seconded by Mr. Daggett. The motion passed unanimously 4-0 by roll call vote: Mr. Daggett - yes; Mr. Cournoyer -yes; Mr. Mason - yes; Mr. Piader - yes). The meeting was adjourned at 6:45 p.m.


Chris Daggett, Clerk


Date

EXHIBITS - None.

